

CHAPTER 1095

REGULATION OF SWINE AND FEEDER PIG DEALERS

H.F. 2475

AN ACT relating to persons doing business as swine dealers and persons engaged in the business of buying or selling feeder pigs and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 163.61, subsections 2 and 3, Code 2003, are amended to read as follows:

2. a. Except as provided in ~~paragraph "b"~~ subsection 3, a person violating a provision of this chapter, or a rule adopted pursuant to this chapter, shall be subject to a civil penalty of at least one hundred dollars but not more than one thousand dollars. In the case of a continuing violation, each day of the continuing violation is a separate violation. However, a person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars.

~~b. 3.~~ 3. Notwithstanding the provisions of ~~paragraph "a"~~ subsection 2, a all of the following apply:

a. A person who falsifies a health certificate, veterinarian inspection certificate, or certificate of inspection shall be subject to a civil penalty of not more than five thousand dollars for each reference to an animal falsified on the certificate. However, a person who falsifies a certificate of inspection issued pursuant to chapter 166D shall be subject to a civil penalty as provided in this section or section 166D.16, but not both. A person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars for falsifying a certificate, regardless of the number of animals falsified on the certificate.

b. A person required to be licensed as a dealer pursuant to section 163.30 and who is not issued a license by the department pursuant to that section, but does business as a dealer, shall be subject to a civil penalty of at least one thousand dollars but not more than five thousand dollars. Each day that the person does business as a dealer without being issued a license constitutes a separate offense. A person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars during any one year.

~~3. 4.~~ 4. Moneys collected from civil penalties shall be deposited into the general fund of the state.

Sec. 2. Section 202C.1, subsection 4, Code Supplement 2003, is amended to read as follows:

4. "Financial institution" means a bank or savings and loan association authorized by this state or by the laws of the United States, which is a member of the federal deposit insurance corporation, ~~or the federal savings and loan insurance corporation, or the national bank for co-~~ operatives established in the Agricultural Credit Act, Pub. L. No. 100-233.

Sec. 3. Section 202C.2, subsection 3, Code Supplement 2003, is amended to read as follows:

3. The amount of the evidence of financial responsibility shall be established by rules which shall be adopted by the department. Unless the department otherwise has good cause, the rules shall be based upon the volume of sales reported by the dealer to the United States ~~department of agriculture grain inspection~~, packers and stockyards administration. However, the evidence of financial responsibility shall not be for less than ~~fifty five~~ fifty five thousand dollars or for more than ~~three hundred twenty-five~~ three hundred twenty-five thousand dollars. The department may increase the amount of the evidence of financial responsibility for a dealer upon a showing of good cause.

Sec. 4. Section 202C.3, Code Supplement 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A legal action brought by a purchaser against the surety on the

bond or the issuer of the irrevocable letter of credit shall be brought not later than one hundred eighty days after the date that the dealer delivers the feeder pigs to the purchaser pursuant to the sales agreement.

Sec. 5. IMPLEMENTATION. In implementing this Act, the department may adopt rules pursuant to section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b".

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 20, 2004

CHAPTER 1096

UTILITY REPLACEMENT TAXES

H.F. 2541

AN ACT relating to utility replacement taxes by redefining major additions for purposes of allocating replacement taxes to taxing districts, requiring certain taxpayers to report estimated replacement taxes, and changing or establishing certain reporting dates and including effective and retroactive applicability date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 437A.3, subsection 18, Code Supplement 2003, is amended to read as follows:

18. "Major addition" means any either of the following:

a. Any acquisition on or after January 1, 1998, by a taxpayer, by transfer of ownership, self-construction, or capital lease of any interest in any of the following:

a- (1) A building in this state where the acquisition cost of all interests acquired exceeds ten million dollars.

b- (2) An electric power generating plant where the acquisition cost of all interests acquired exceeds ten million dollars. For purposes of this paragraph, "electric power generating plant" means each nameplate rated electric power generating plant owned solely or jointly by any person or electric power facility financed under the provisions of chapter 28F or 476A in which electrical energy is produced from other forms of energy, including all equipment used in the production of such energy through its step-up transformer.

c- (3) Natural gas operating property within a local taxing district where the acquisition cost of all interests acquired exceeds one million dollars.

d- (4) Any property described in section 437A.16 in this state acquired by a person not previously subject to taxation under this chapter.

b. Any acquisition on or after January 1, 2004, by a taxpayer, by transfer of ownership, self-construction, or capital lease of any interest in electric transmission operating property within a local taxing district where the acquisition cost of all interests acquired exceeds one million dollars.

For purposes of this chapter, the acquisition cost of an asset acquired by capital lease is its capitalized value determined under generally accepted accounting principles.